

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
Theresa Bunk  
  
Respondent

Civil Citation No. 76899  
  
408 N. Avondale Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), 13-4-104, 13-4-307, 13-7-115, 13-7-201 (a)(2); failure to store waste in rodent resistant watertight containers with tight fitting lids, illegal storage of waste, solid waste, hazardous waste, etc. Baltimore County Zoning Regulations (BCZR) section 101, 1B01.1A, 102.1, 408, failure to eliminate open dump, junkyard conditions on residential property zoned DR 10.5 known as 408 N. Avondale Road, 21222.

On May 24, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 3, 2010 for removal of open dump/junk yard, remove trash and debris, cut and remove tall grass and weeds. This Citation was issued on May 24, 2010.

B. Photographs in the file show garbage cans containing garbage with no lids. Photographs also show old carpeting and carpet padding piled on the ground outside the door. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be stored in cans with tight fitting lids.

C. Photographs also show at least four large plastic drums lined up outside in the yard. Notes in the file state that the drums contain oil. The case was referred to the Department of Environmental Protection & Resource Management and the Maryland Department of the Environment, and neither agency found a hazardous materials violation. It appears therefore that the oil is cooking or vegetable oil, and is therefore ordinary waste that is being improperly stored outside. This violates prohibitions against the accumulation of junk, trash and debris on residential property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on residential property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...")

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that after June 28, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, including the large plastic drums of oil, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer